

**INFORMATION PROVIDED TO
SENATE BUSINESS, LABOR AND ECONOMIC AFFAIRS COMMITTEE
REGARDING PROPOSED AMENDMENT TO HB 76
REVISE PROCEDURES FOR HUMAN RIGHTS COMPLAINTS**

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DEPARTMENT OF LABOR AND INDUSTRY
MARCH 7, 2007

The Department opposes the proposed amendment to HB 76 offered by the Montana Trial Lawyers Association (MTLA). The Department brought this bill to help clarify how a complaint proceeds through the administrative process. It contains no substantive changes to current law or administrative practice. The MTLA proposed amendment is a major substantive change to current law.

**DISPOSITION OF HUMAN RIGHTS CASES
IN THE ADMINISTRATIVE PROCESS**

<u>Initial Inquiries</u>	Approximately	5,000
<u>Cases Filed - Informal Investigations</u>	Approximately	500
No Cause Findings in favor of Respondent	250 (50%)	
Cases closed (Settlements, withdrawals, Admin Closures)	150 (30%)	
Reasonable Cause Finding in favor of Complainant	100 (20%)	
<u>Proceedings beyond Informal Investigations</u>	Approximately	100
(Same subset of cases listed under Reasonable Cause Findings)		
(Actions include conciliations, contested case hearings and appeals to the Human Rights Commission)		
Resolved through conciliation or HRC final decision	95 (95%)	
Appealed to District Court for Judicial Review	5 (5%)	

The MTLA proposed amendment to HB 76 would allow the charging party to request the department conclude the administrative proceedings when the reasonable cause finding is issued. The complainant would then file their complaint in district court. A trial on the merits of the case would be held in district court rather than a contested case hearing before the administrative law judge. This would increase the caseload in the district courts and substantially increase the litigation costs in human rights cases.